

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ned HOFFMAN, et al.

Serial No.: 09/215,058 Examiner: John W. Van BRAMER

Filed: December 17, 1998 Art Unit: 3622

Confirmation No.: 7856

For: TOKENLESS FINANCIAL ACCESS SYSTEM

Date: November 29, 2007

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**APPLICANT'S COMMENTS ON EXAMINER'S STATEMENT OF REASONS FOR
ALLOWANCE**

The Examiner states that the claims are allowable because "the Board of Appeals . . . found that modifying Houvener in view of the teaching of Daugman would not result in a tokenless system that uses only biometrics for identification." The Board of Appeals also found that Houvener "relates to the field of identity verification (*see* Decision on Appeal, Board of Appeals Appeal No. 2006-0464, page 9). The Board of Appeals also found that Daugment "is directed to an iris scan for automated identification" (*see* Decision on Appeal, Board of Appeals Appeal No. 2006-0464, page 12). Further, the Board of Appeals found "no teaching or suggestion, nor has any been brought to our attention by the examiner or the appellants, as to how Daugman's system will be applied to a financial system, and we would have to resort to speculation to find that the reference suggests using biometrics in a tokenless system. The examiner may not resort to speculation or unfounded assumptions to supply deficiencies in establishing a factual basis" (*Id.*).

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Respectfully submitted,
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